

REMARKS

The Office Action of January 16, 2009 was received and carefully reviewed. Claims 1-17 and 21-45 were pending for consideration prior to the instant amendment. By this amendment, claims 10, 17 are amended. Consequently, claims 1-17 and 21-45 are currently pending in the instant application, of which, claims 3-9, 13-14, 23-24, 27-28, 33-34, 39 and 42-43 are withdrawn. Reconsideration and withdrawal of the currently pending restriction is requested for the reasons advanced in detail below.

In response to the restriction requirement made by the Examiner, Applicant hereby elects Species 1) wherein the number of grain boundaries in the channel is zero. Claims 1-2, 10-12, 15-17, 21-22, 25-26, 29-32, 35-38, 40-41 and 44-45 are believed to be readable on Species 1.

Of course, Applicants maintain the right to file one or more divisional applications to the non-elected embodiments.

Prompt examination of the application is respectfully requested.

Respectfully submitted,

NIXON PEABODY, LLP

/Marc W. Butler, Reg. #50,219/

Marc W. Butler

Registration No. 50,219

NIXON PEABODY LLP
CUSTOMER NO.: 22204
401 9th Street, N.W., Suite 900
Washington, DC 20004
Tel: 202-585-8000
Fax: 202-585-8080